

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHIEF HENRY V. TOBIN III,

Plaintiff,

v.

THOMAS P. GORDON, individually and in
his official capacity; SHERRY FREEBERY,
individually and in her official capacity;
COLONEL JOHN L. CUNNINGHAM,
RETIRED. individually; COLONEL
DAVID F. MCALLISTER, individually and
in his official capacity; and NEW CASTLE
COUNTY, a municipal corporation

Defendants.

Civil Action No.: 04-1211-MPT

DEFENDANTS' OFFER OF JUDGMENT

TO: Martin D. Haverly, Esq.
Two East Seventh Street, Suite 201
Wilmington, Delaware 19801

Thomas S. Neuberger, Esq.
Stephen J. Neuberger, Esq.
Two East Seventh Street, Suite 302
Wilmington, Delaware 19801

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants Thomas P. Gordon, in his individual and official capacity; Sherry Freebery, in her individual and official capacity; Colonel John L. Cunningham, retired, individually; Colonel David F. McAllister, in his individual and official capacity; and New Castle County, a municipal corporation (collectively "Defendants"), hereby offer that judgment be taken against them in favor of Plaintiff Henry V. Tobin III, as to all causes of action asserted by Henry V. Tobin III in this action in the fixed amount of \$25,000, plus reasonable attorney's fees and costs. This offer shall be deemed rejected unless accepted within ten (10) days after the offer is served, pursuant to Rule 68.

This offer is made for the purposes specified in Rule 68 and is not to be construed as an admission that Defendants are liable individually or jointly, or that the plaintiff has suffered any damages. The offer or acceptance thereof may not be used as an admission of liability in this or any subsequent proceeding between any of the parties.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ William W. Bowser

William W. Bowser, Esquire (No. 2239)
Margaret M. DiBianca, Esquire (No. 4539)
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391
Telephone: (302) 571-6601
Facsimile: (302) 576-3282
E-mail: wbowser@ycst.com

Attorneys for New Castle County

CHARLES E. BUTLER, ESQUIRE

/s/ Charles E. Butler

Charles E. Butler, Esquire (Bar I.D. 2349)
1224 North King Street
Wilmington, Delaware 19801
Telephone: (302) 655-4100
Facsimile: (302) 655-4212
E-mail: ceb@cebutler.com

Attorneys for Defendants Sherry Freebery, Thomas P. Gordon, and Colonel David F. McAllister, each in their individual capacity

{Signature continued on following page}

OBERLY JENNINGS & RHODUNDA, P.A.

/s/ Kathleen M. Jennings

Kathleen M. Jennings, Esquire (Bar I.D. 913)
1220 North Market Street, Suite 710
P.O. Box 2054
Wilmington, Delaware 19899-2054
Telephone: (302) 576-2000
Facsimile: (302) 576-2004
E-mail: kjennings@ojlaw.com

Attorneys for Defendant Colonel John Cunningham

DATED: February 1, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHIEF HENRY V. TOBIN III,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 04-1211-MPT
)	
THOMAS P. GORDON, individually and in)	
his official capacity; SHERRY FREEBERY,)	
individually and in her official capacity;)	
COLONEL JOHN L. CUNNINGHAM,)	
RETIRED, individually; COLONEL)	
DAVID F. MCALLISTER, individually and)	
in his official capacity; and NEW CASTLE)	
COUNTY, a municipal corporation)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

I, William W. Bowser, Esq., hereby certify that on February 1, 2008, I served two (2) true and correct copies of the foregoing Offer of Judgment by hand delivery to the following counsel of record:

Martin D. Haverly, Esq.
Two East Seventh Street, Suite 201
Wilmington, Delaware 19801

Thomas S. Neuberger, Esq.
Stephen J. Neuberger, Esq.
The Neuberger Firm
Two East Seventh Street, Suite 302
Wilmington, Delaware 19801

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ William W. Bowser

William W. Bowser, Esquire (No. 2239)
Margaret M. DiBianca, Esquire (No. 4539)
The Brandywine Building
1000 West Street, 17th Floor, P.O. Box 391
Wilmington, Delaware 19899-0391
Telephone: (302) 571-6601
Facsimile: (302) 576-3282
E-mail: wbowser@ycst.com

Attorneys for New Castle County